

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Robert Alan Berkowitz,)
)
Petitioner,) C.A. No. 8:09-651-HMH-KFM
)
vs.) **OPINION & ORDER**
)
The United States and Wachovia Bank,)
N.A., Bank of Anderson, N.A., DF Services)
LLC, CareCredit Inc./GE Money Company,)
City of Anderson, Blue Cross and Blue)
Shield of South Carolina, Delta Dental Plan)
of Missouri, CIGNA Healthcare Benefits)
Inc., CIGA Corporation, Metropolitan Life)
Insurance Co., Patterson Dental Supply)
Inc., National Technology Leasing)
Corporation, Barton R. "Chip" Bright III,)
National Processing Company, Global)
Payments Inc., Elavon Inc., Chase)
Paymentech, Bank of America Fifth Third)
Bank Operations, Legal Entry MD)
IMOC2Q, First Data Merchant Services)
Corp., HPSC Inc./GE Healthcare Financial)
Services, Great American Leasing)
Corporation,)
)
Respondents.)

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with

this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (2006).

The Petitioner filed no objections to the Report and Recommendation. In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the United States' motion for summary denial of the amended petition to quash, docket number 94, is granted.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 29, 2011

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.